

1 WHEREAS the Court issued an order on September 21, 2007 setting the Initial Case
2 Management Conference for January 7, 2008;

3 WHEREAS lead counsel for Defendant Cendant Short Term Disability Plan
4 ("Defendant"), Katharine Parker, is located in New York, New York;

5 WHEREAS requiring lead counsel for Defendant to travel from New York to San
6 Francisco to appear in person would cause significant cost and hardship to Defendant;

7 WHEREAS counsel for Plaintiff John Doe ("Plaintiff") have agreed to Defendant's request
8 to appear by telephone;

9 WHEREAS counsel for Plaintiff has indicated their availability to appear for the Initial
10 Case Management Conference by telephone;

11 WHEREAS the Courtroom Deputy has indicated that the Court is available to hold a
12 telephonic Initial Case Management Conference on January 8, 2008 at 10 AM;

13 WHEREAS counsel for Defendant and Plaintiff are available to participate in the Initial
14 Case Management Conference on January 8, 2008 at 10 AM;

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16 DEFENDANT HEREBY REQUESTS that the Court continue the Initial Case
17 Management Conference to January 8, 2008 at 10 AM and allow Defendant to appear via
18 telephone.

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20 DATED: December 28, 2007

PROSKAUER ROSE LLP

21 By: /s/ George S. Cleaver
22 Katherine H. Parker
23 Dawn M. Irizarry
24 George S. Cleaver
25 *Attorneys for Defendant*
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1 IT IS HEREBY ORDERED that the Court continue the Initial Case Management
2 Conference to January 8, 2008 at 10 AM and allow Defendant Cendant Corporation Short Term
3 Disability Plan to appear by Telephone.

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5 DATED: December __, 2007

6 The Honorable Marilyn H. Patel
7 Judge of the United States District Court, Northern
8 District of California
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